

**BOARD OF HEALTH**  
**Minutes**

November 20, 2008

Present: Sandy Sulsky, Ellen Leahy-Pile, Nancy Gilbert, David Kaufman, David Ahlfeld

Staff: Epi Bodhi, Ellen Bokina, Pamela Field-Sadler

Other: Town Manager Larry Shaffer, Simon Keochakian, Greg Keochakian, Joan Hamlett, Marty Miarecki

**Meeting opened at 7:00 p.m.**

**I. Review & Receive**

**A. Meeting Minutes**

1. Modifications were suggested for the draft minutes of October 30, 2008 – Unanimously accepted with suggested modifications.
2. Executive Session minutes from October 30, 2008 - Accepted as written.

**II. New Business**

**A. Title 5 Inspections: Review Policy and Set Fee**

Currently Amherst does not require a BOH Representative to witness Title 5 inspections. In order to ensure all Title 5 inspections are completed with adherence to the Title 5 State Code, Ms. Bokina recommends the Board of Health consider adopting a policy to require a BOH Representative witness all Title 5 inspections. Ms. Bokina also recommends a witness fee be instituted and suggested the BOH consider \$200.00 per inspection. The BOH suggested Ms. Bokina draft the language for the policy which would need to be reviewed by Town Counsel.

**B. 150 Market Hill Road: Local Upgrade Approval Request**

The BOH members reviewed a request for a Local Upgrade Approval for a failed septic system on the property at 150 Market Hill Road submitted by Engineer Alan Weiss of Cold Spring Environmental Consultants Inc. Ms. Bokina requested the BOH grant her the authority to use her best judgment to approve the plan and installation because the repairs need to take place prior to the next BOH meeting. Abutters of the property will be notified accordingly.

**Motion:** Ms. Sulsky moved, seconded by Ms. Gilbert, to allow Ellen Bokina to act as the BOH Agent to grant a Local Upgrade Approval for the property at 150 Market Hill Road pending no abutter objection.

**Vote:** Unanimous

### **C. Amherst Board of Health Tobacco Control Regulations**

**Present:** Director Joan Hamlett and Inspector Marty Miarecki of the Leominster Tobacco Control Alliance in attendance.

Ms. Hamlett provided an update regarding Tobacco Control in Amherst. Compliance checks will take place in Amherst tomorrow. In regards to an inspection at 33 Kellogg Avenue on November 17, 2008, Ms. Hamlett explained smoking in multi-family dwellings can only be regulated in shared spaces; migrating smoke can not be regulated. Ms. Hamlett further explained she has met with the Pioneer Landlord Association to discuss development of Landlord Disclosure Regulations. Ms. Hamlett will draft and forward the following documents:

- Proposed updates for the *Amherst Board of Health Tobacco Control Regulations*
- Proposed regulations to address Hookah Bars
- Proposed Landlord Disclosure Regulations

Ms. Leahy-Pile will take the lead in reviewing the proposed documents.

### **III. Old Business**

#### **A. 28 Shays Street**

**Present:** Simon Keochakian and Greg Keochakian in attendance. An inspection took place at 28 Shays Street on November 5, 2008. The owner has cleaned up the trash and debris on the property to the minimum level of standard. A Certificate of Occupancy has been issued by Building Commissioner Bonnie Weeks. Neighbors of 28 Shay Street offered the comments and concerns.

At 8:25 p.m., Chairman Ahlfeld suggested the Board of Health convene in Executive Session for the purpose of discussing ongoing litigation; the Board of Health will reconvene in Open Session.

**Motion:** Ms. Leahy-Pile made the motion, seconded by Ms. Sulsky, to convene in Executive Session in accordance with M.G.L. Chapter 39, S.23B for the purpose of discussing ongoing litigation.

**Roll Call:** Gilbert: aye; Pile: aye; Sulsky: aye; Kaufman: aye; Ahlfeld: aye

At 8: 43 p.m., the Board of Health reconvened in Open Session.

**Motion:** Dr. Kaufman made the motion, seconded by Ms. Leahy-Pile, to lift the Condemnation Order previously issued for 28 Shays Street.

**Vote:** Unanimous

#### **B. West Nile Virus: Policy for 2009**

Ms. Bodhi has gathered information regarding spraying for West Nile Virus. Ms. Leahy-Pile stated in researching the BOH minutes for the meeting on April 26, 2004, a vote is not recorded for a “No Spray Policy.” Ms. Sulsky will review the gathered information and prepare

a presentation for a future BOH meeting.

**IV. Director's Reports**

**A. Praise for Staff Member**

Ms. Bodhi explained she received an email forwarded from Town Manager Larry Shaffer's office. The email contained praise for Inspector Gary Courtemanche's manner and professionalism.

**B. Fully Staffed Health Department**

The Health Department is currently fully staffed. Keith Carlson has been hired as the Public Health Nurse. Javeria Mir has been hired as the part-time Assistant Sanitarian.

**C. Budget Hearing**

Ms. Bodhi will attend a Budget Meeting tomorrow. Ms. Bodhi shared her concern about the economic down turn.

**D. Northampton Septic Inspections**

Ms. Bodhi informed the BOH, the Amherst Health Department is about to take on the work of the City of Northampton's Septic Inspections.

**V. Schedule Next BOH Meeting/Agenda Closing Date**

**A.** Next meeting will be December 18, 2008.

**VI. Additional Notes:**

The following items were suggested as agenda items for a future meeting:

- Anti-choking Regulations
- Dissolve Massage Therapy Regulations as recommended by the State
- Risk Based Restaurant Inspections
- CPR certified Senior Center Employees

**Meeting Adjourned: 9:08 p.m.**

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Epi Bodhi, Health Director

**Approved: 12/18/2008**

